

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANIEL CAOUETTE,

Plaintiff,

vs.

No. CV 17-00523 MCA/KRS

BERNALILLO COUNTY METROPOLITAN DETENTION CENTER,

Defendant.

SECOND ORDER TO CURE DEFICIENCY

Plaintiff Daniel Caouette filed a Motion for Copies Free Process, in which he requests to proceed *in forma pauperis*. (Doc. 13). The Court determined that Plaintiff's submission is deficient because it was not in proper form and did not include the information necessary for the Court to determine whether Plaintiff may proceed *in forma pauperis* in federal court under 28 U.S.C. § 1915. On August 22, 2017, the Court entered an Order to Cure Deficiency, ordering Plaintiff to cure this deficiency within thirty (30) days from entry of the Order by submitting an Application to Proceed in District Court Without Prepaying Fees or Costs ***including a certified copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing.*** (Doc. 14)(emphasis added). See 28 U.S.C. § 1915(a)(2). The Court advised Plaintiff that failure to cure the designated deficiency within thirty (30) days from entry of the Order may result in denial of Plaintiff's Motion for Copies Free Process without further notice.


On August 30, 2017, Plaintiff Caouette submitted an Application to Proceed in District Court Without Prepaying Fees or Costs. (Doc. 16). However, the Application did not include

Plaintiff's inmate account statement for the 6-month period immediately preceding this filing as required by 28 U.S.C. § 1915(a)(2). Section 1915(a)(2) states:

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefore . . . ***shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the period immediately preceding the filing of the complaint . . .***"

The Court may not grant Plaintiff Caouette leave to proceed without prepayment of fees or costs unless Plaintiff provides the mandatory six-month inmate account statement. *See* 28 U.S.C. § 1915(b)(1)(B). The Court will, therefore, order that Plaintiff Caouette submit Plaintiff's inmate account statement for the 6-month period immediately preceding this filing within thirty (30) days of entry of this Order. If Plaintiff does not submit the required inmate account statement within thirty (30) days, the Court will deny his request to proceed *in forma pauperis* without further notice.

IT IS ORDERED that within thirty (30) days of entry of this Order, Plaintiff submit a certified copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing.


UNITED STATES MAGISTRATE JUDGE